



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Promoting the wise use of land
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Tentative Notice of Action

MEETING DATE March 20, 2015 LOCAL EFFECTIVE DATE April 3, 2015 APPROX FINAL EFFECTIVE DATE April 24, 2015	CONTACT/PHONE Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Pacific Gas & Electric Attn: Ben Stillman	FILE NO. DRC2014-00080
SUBJECT A request by Pacific Gas & Electric for a Minor Use Permit / Coastal Development Permit to allow for the demolition of a 720 square foot modular fitness facility, and the addition of a 7,200 square foot modular office building, a 4,320 square foot modular office building, and a 600 square foot modular restroom building. No major grading work is proposed and all proposed additions will not expand upon areas currently disturbed. The proposed project is within the Public Facilities land use category and is located at Diablo Canyon Power Plant at 3890 Diablo Canyon Road, nine (9) miles northwest of the community of Avila Beach. The site is in the San Luis Bay Coastal Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2014-00080 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption (pursuant to CEQA Guidelines 15061) was issued on February 20, 2015 (ED14-180).			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Local Coastal Program Area, Coastal Appealable Zone, Small Scale Neighborhood, Archaeological Study Area, Airport Review Area	ASSESSOR PARCEL NUMBER 076-011-018	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards: N/A</i>			
LAND USE ORDINANCE STANDARDS: Appeals to the Coastal Commission, Energy and Extractive Resource Area, Flood Hazard, Geologic Study Area, Archaeologically Sensitive Area, Local Coastal Program, Sensitive Resource Area & Environmentally Sensitive Habitat Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant to Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any land use permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Diablo Canyon nuclear power plant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Public Facilities and Rural Lands / open space and grazing <i>South:</i> Agriculture / grazing and agriculture	
<i>East:</i> Agriculture / grazing <i>West:</i> Pacific Ocean	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire/County Fire, California Coastal Commission & Avila Valley Advisory Council	
TOPOGRAPHY: Nearly level	VEGETATION: None at project site
PROPOSED SERVICES: Water supply: On-site system Sewage Disposal: On-site system Fire Protection: Cal Fire	ACCEPTANCE DATE: February 18, 2015

DISCUSSION

The proposed project is to allow for the addition of a 7,200 square foot modular office building, a 4,320 square foot modular office building, and a 600 square foot modular restroom building. The project also includes the demolition of a 720 square foot modular fitness facility that is no longer in use. No major grading work is proposed and all proposed additions will not expand upon areas currently disturbed.

The addition of the modular buildings is to support the moving of personnel from multiple buildings on site to one centralized location, which will allow for more efficient communications and information sharing. No additional personnel will result from this project. The proposed modular buildings will be clustered together on a portion of the existing facility known as Area 10, and will be surrounded by similar like buildings. The proposed location is favorable for access to the power plant and facilities in regards to carrying out daily operations.

LAND USE ORDINANCE STANDARDS:

Section 23.01.043c(1) – Appeals to the Coastal Commission:

Appealable Development. As set forth in the Public Resources Code Section 30603(a), and this title, an action by the County on a permit application, including any Variance, Exception or Adjustment granted, for the following the project may be appealed to the California Coastal Commission:

- Developments approved between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach.

Staff Comments: The project is appealable to the Coastal Commission because the project is considered development between the sea and the first public road according to the official Local Coastal Program Permit and Appeal Jurisdiction map.

23.07.040 – Energy and Extractive Resource Area (EX):

When located in an energy and extractive resource area, all proposed land uses are required to have land use permit approval. The purpose of this standard is to protect significant resource extraction and energy production areas from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

Staff Comments: The proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use because the proposed modular buildings are to enhance the power plant operations in regards to personnel integral to carrying out daily operations of the power plant and facilities. The proposed modular buildings will not encroach on any energy production operations.

23.07.060 – Flood Hazard Area (FH):

Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, in addition to all other permits required by County Code, state and federal law.

Staff Comments: The approximate finish floor elevation of the proposed buildings will not encroach into the flood elevation of 10 feet. The project has been reviewed by County Public Works and a drainage and erosion control plan will be required for review and approval at the time of application for construction permits. Public Works will also review the flood hazard potential at the time of application for construction permits

23.07.080 – Geologic Study Area (GSA):

Projects located within a Geologic Study Area shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer, as appropriate. The report shall identify, describe, and illustrate, where applicable, potential geologic hazards. However, no report is required for an application located in an area for which the County Engineer determines that sufficient information exists because of previous geology or soils reports.

Staff Comments: The purpose for the GSA designation results from the potential coastal bluff retreat hazards. The proposed modular buildings will be located on an existing paved and graded area adjacent to existing facilities located along the coastal bluff in this area. The area contains pavement over a large area of fill material which was engineered and constructed as part of the original power plant facilities. The proposed structures are approximately 300 feet from the coastal bluff. DCPD was developed in consideration of the geologic and bluff stability, and no geologic impacts are anticipated with this project.

23.07.104 – Archaeologically Sensitive Area (AS):

Prior to issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The purpose of this preliminary site survey is to examine existing records and to conduct a preliminary surface check of the site to determine the likelihood of the existence of resources.

Staff Comments: The proposed project will be located entirely on existing compacted fill. The property where this project is located is very large (approximately 545 acres) and contains sensitive areas for cultural resources; however, the project site is not located within one of these sensitive areas. A condition of approval requiring construction to cease in the event materials are discovered is required with this project.

23.07.120 – Local Coastal Program Area (LCP):

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the LCP.

Staff Comments: A permit is required for projects within the coastal zone. The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements and provisions of the LCP.

23.07.160 – Sensitive Resource Area (SRA):

Areas with special environmental qualities or areas containing unique or endangered vegetation or habitat resources are mapped as a Sensitive Resource Area (SRA). The purpose of the combining designation standards is to require that proposed uses be designed with consideration to the identified sensitive resources, the need for their protection, and to satisfy the requirements of the California Coastal Act. The following findings are required for development located within a Sensitive Resource Area:

1. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
2. Natural features and topography have been considered in the design and siting of all proposed physical improvements.
3. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
4. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

Staff Comments: The proposed project is consistent with the above findings because the project is entirely located within an existing paved and disturbed area of the power plant facilities and will have no impacts to any of the sensitive resources which exist outside the development envelope of the power plant.

23.07.170 – Environmentally Sensitive Habitat Area (ESHA):

The project site is located within the Streams and Riparian Vegetation combining designation, which is an Environmentally Sensitive Habitat (ESHA).

Following are findings for development within environmentally sensitive habitats:

1. New development within or adjacent to the habitat shall not significantly disrupt the resource.
2. New development within the habitat shall be limited to those uses that are dependent upon the resource.

Staff Comments: The proposed project is consistent with the above findings because the project is located entirely within an existing paved and disturbed area of the power plant facilities. There are no streams or riparian habitats anywhere near this project site. The property is very large (545 acres) and contains habitat area; however the location of this particular project is well outside any habitat areas (see attached exhibits).

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: Policy No(s): 2

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: Policy No(s): 1, 2 & 7

Agriculture: N/A

Public Works: Policy No(s): 1 & 7

Coastal Watersheds: Policy No(s): 7, 9 & 10

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: Policy No(s): 1 & 6

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access

Policy 2: Vertical access ways will be required at the time of new development when adequate vertical access is not available within a reasonable distance (one-quarter mile within urban areas and one mile in rural areas) and where prescriptive rights may exist. *The site currently contains access to the beach at the northern portion of the property adjacent to Montana De Oro recreation area.*

Environmentally Sensitive Habitats (ESH)

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. *The proposed project will not impact any ESH as the proposal is located entirely within an existing paved and disturbed area of the power plant facilities.*

Policy 2: Permit requirements. *The project as proposed will not have a significant impact on the sensitive habitats and is consistent with the biological continuance of the habitats. No habitat area is being impacted by the proposed project.*

Policy 7: Protection of Environmentally Sensitive Habitats. *Wetlands shall be protected, preserved, and where feasible, restored. The project as proposed does not include impacts to wetland habitat.*

Public Works:

Policy 1: Availability of Service Capacity. This policy states that new development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. *The project is consistent with this policy because the project would be served by an existing on-site well and septic system. No additional personnel or increase of service capacity will result from this project.*

Policy 7: Permit requirements. A permit is required for projects within the coastal zone. *The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.*

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent. Grading that will occur on slopes of greater than 20 percent requires a Minor Use Permit or Development Plan approval and shall consider site characteristics such as proximity of nearby streams, erosion potential,

and slope stability, amount of grading necessary, and measures proposed to reduce potential erosion and sedimentation. *No major grading work is proposed for the project area.*

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures shall be utilized to minimize erosion and sedimentation. *The project has minimal grading as the site is generally flat (less than 10% slope).*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. *The project has been sited and designed to ensure runoff does not increase erosion.*

Archaeology

Policy 1: Protection of Archaeological Resources. *The project is conditioned to ensure that cultural resources are protected if encountered during project construction.*

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities. *A condition of approval has been placed on the project in the event resources are discovered during construction.*

COMMUNITY ADVISORY GROUP COMMENTS:

No comments received as of February 26, 2015.

AGENCY REVIEW

Public Works – Flood hazard review with construction permits.

Cal Fire – Cal Fire has no issued with the proposed buildings and site layout per referral response dated February 19, 2015.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff Report prepared by Cody Scheel and reviewed by Ryan Hostetter.